

REMARKS

Claims 1-31 are pending. Claims 1-7, 17, 19-20, 22-26, and 28-31 are allowed. Claims 8-16, 18, 21, and 27 are rejected. Claims 3, 15, 18, 21, and 27 have been amended. No new matter has been added. The rejections of the claims are respectfully traversed in light of the amendments and following remarks, and reconsideration is requested.

Vicamini

Claims 8-16, 18, 21, and 27 are rejected under 35 U.S.C. § 102(e) as being anticipated by Vicamini (U.S. Patent Application No. 09/794,476).

In rejecting Claim 8, the Examiner does not reference where Vicamini discloses or suggests a headset body including a "call switch" as recited in Claim 8. Applicant requests clarification as to where in Vicamini such an element is taught.

Applicant submits that Vicamini does disclose the following:

The surface of the half-shell 3 destined to face outwards can have an interchangeable element that can be a decorative element or a visual signaling element. As shown in FIG. 6, said interchangeable element is a LED 14 with a coloured light, supported by a plate 21 inserted inside the half-shell 3 and powered by the power supply provided in the earphone assembly 1. In this case the outward facing part of the half-shell 3 has a transparent element 22 that lets through the light of the LED 14. The LED 14 can give off light only when the user of the headset is engaged in conversation, indicating visually to others that the operator is engaged. (Vicamini, paragraph [0028]) (emphasis added).

Thus, Vicamini discloses a visual signaling element but does not disclose a "call switch" as recited in Claim 8. A call switch is disclosed in the Specification as filed in paragraph [0029] as including "a printed circuit board operably embedded into headset body 106 and operably connected in line with speaker wires 111 to allow for quick access and actuation of the answer/end call function." (emphasis added). Therefore, because Vicamini does not disclose or suggest all the limitations of Claim 8, Claim 8 is patentable over Vicamini.

Claims 9-16 are ultimately dependent on allowed Claim 1 and contain additional limitations that further distinguish them from Vicamini. In particular, Claim 11 recites "the headset tail comprises an elastomer with grooves," and amended Claim 15 recites "the microphone is embedded in a pod that is along at least one wire coupling the transducer to an audio source." Applicant could not find any disclosure or suggestion by Vicamini of such teachings. Therefore, Claims 9-16 are allowable over Vicamini for at least being dependent upon an allowed claim.

Claims 18, 21, and 27 have been amended to be dependent on allowed Claim 17 and contain additional limitations that further distinguish them from Vicamini. Therefore, Claims 18, 21, and 27 are allowable over Vicamini for at least being dependent upon an allowed claim.

Skulley et al.

Claims 18 and 27 are rejected under 35 U.S.C. § 102(e) as being anticipated by Skulley et al. (U.S. Patent No. 6,449,374 hereinafter "Skulley").

Claims 18 and 27 have been amended to be dependent on allowed Claim 17 and contain additional limitations that further distinguish them from Skulley. Therefore, Claims 18 and 27 are allowable over Skulley for at least being dependent upon an allowed claim.

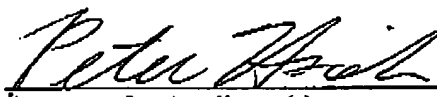
Allowable Subject Matter

Applicant wishes to thank the Examiner for the indication that Claims 1-7, 17, 19-20, 22-26, and 28-31 are allowed.

CONCLUSION

For the above reasons, Applicant believes pending Claims 1-31 are now in condition for allowance and allowance of the Application is hereby solicited. If the Examiner has any questions or concerns, the Examiner is hereby requested to telephone Applicant's Attorney at (831) 458-7758.

Respectfully submitted,



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